

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

<hr/> Joint Application of)	
)	
DELTA AIR LINES, INC.)	
and)	Docket OST-2006-25517
UNITED AIR LINES, INC.)	
)	
for certificate transfer under 49 U.S.C. § 41105)	
(New York-London authority))	
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**APPLICATION FOR AN IMMEDIATE *PENDENTE LITE* EXEMPTION
OF DELTA AIR LINES, INC.**

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DATE: August 14, 2006

NOTICE: Answers supporting or opposing this Application are required to be filed no later than August 29, 2006, and served upon all persons on the attached service list. Delta, however, will poll the carriers on the attached service list immediately.

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**APPLICATION FOR AN IMMEDIATE *PENDENTE LITE* EXEMPTION
OF DELTA AIR LINES, INC.**

Delta Air Lines, Inc. ("Delta") hereby requests an immediate *pendente lite* exemption to permit Delta to immediately begin holding out, marketing, listing schedules, advertising, sales, accepting reservations, accepting payment and issuing tickets for its New York – London (Gatwick) service, scheduled to begin on or about November 15, 2006, pending issuance of a Final Order approving the uncontested route transfer application. Delta also requests that the Department grant the exemption orally and follow-up the oral exemption with a confirming order or Notice of Action Taken.

This exemption is consistent with the public interest and Department precedent, and will help ensure a successful start-up of Delta's new and critically important New York-London service.

BACKGROUND

On July 28, 2006, Delta and United filed a Joint Application requesting approval of the transfer to Delta of United's New York-London certificate authority. On August 9,

2006, the Department shortened the period for answers to the Joint Application to August 11, 2006. *See* Notice Shortening Answer Period, at 1 (dated August 9, 2006) (“Notice”). No objections to the application were filed, and the deadline for answers has now passed.

Delta is looking forward to offering passengers new competitive service in the New York – London market and further enhancing its domestic and international route network at New York’s JFK International Airport. Importantly, Delta needs to begin promoting, advertising, and selling tickets for the new service *now* in order to ensure a successful start-up of this new service. This urgent need is particularly acute here given that only three months remain before Delta’s proposed start-up date, Delta’s plan to implement this service during the upcoming winter season, and the competitive nature of the market, including the multiple daily flights between New York and London’s preferred airport, Heathrow, offered by the American Airlines/British Airways alliance and Virgin Atlantic Airways. Absent an exemption, however, Delta would be precluded from advertising, listing schedules, accepting reservations and payment, or issuing tickets until the Department has issued a Final Order transferring and issuing New York–London certificate authority to Delta. Such delay would place Delta’s new service at a severe disadvantage since other competitors have long since been selling their New York-London services.

As explained in the Joint Application, the requested route transfer fully satisfies the Department’s longstanding standards for such applications and is fully consistent with Department precedent. The deadline for answers has now passed, and no carrier has

objected to the Joint Application. This exemption application is consistent with Department precedent. *See* DOT Order 95-3-19 (granting Northwest Airlines a *pendente lite* exemption to begin sales and marketing of Detroit-London pending final action on the route transfer application).

For the foregoing reasons, the grant of this Application is in the public interest, as well as consistent with Department precedent, and should be promptly granted.

CONCLUSION

WHEREFORE, Delta respectfully requests that the Department grant the requested *pendente lite* exemption to authorize Delta to begin advance marketing, advertising, sales, holding out, and issuance of tickets for its New York – London (Gatwick) service.

Respectfully submitted,



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Counsel for
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DATE: August 14, 2006

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Application of Delta Air Lines, Inc. has been served this August 14, 2006, by electronic or first class mail upon each of the following persons:

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